

Form No. USA-33s-274 (Ed. 9-25-58)

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA**

**- v. -**

**LUVENIA BARTEE, a/k/a "Luvenia Murray,"  
RAYMOND PASTURES,  
AYANNA THOMAS,  
EBONY WORTHY,  
FRANCISCO RODRIGUEZ, and  
TRACEY LIVINGSTON,  
a/k/a "Tracey Livingston Rodriguez,"**

**Defendants.**

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**INDICTMENT**

06 Cr.

(Title 18, United States Code, Sections 2, 1344, 1349,  
1956(a)(1)(B)(i), 1957(a), 1956(h).)

**MICHAEL J. GARCIA**  
United States Attorney.

**A TRUE BILL**



Foreperson.

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EXHIBIT

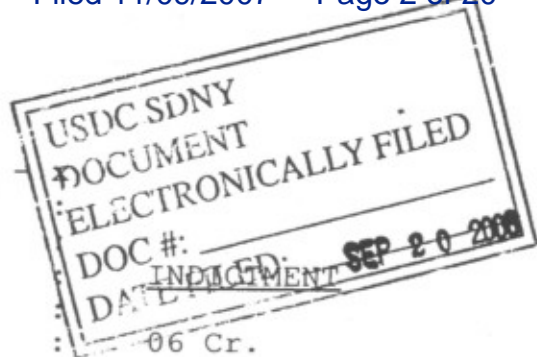
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- v. -

LUVENIA BARTEE,  
a/k/a "Luvenia Murray,"  
RAYMOND PASTURES,  
AYANNA THOMAS,  
EBONY WORTHY,  
FRANCISCO RODRIGUEZ, and  
TRACEY LIVINGSTON,  
a/k/a "Tracey Livingston Rodriguez,"  
Defendants.



06 CRIM. 832

COUNT ONE

(Bank Fraud Conspiracy)

The Grand Jury charges:

Relevant Persons and Entities

1. At all times relevant to this Indictment, unindicted co-conspirators Douglas Shyne and Natasha Singh resided together as common-law husband and wife, and jointly owned at least two businesses, Douglas New York Five Star Coffee, and New York Café Lounge.

2. Douglas New York Five Star Coffee, a shell corporation used to launder the proceeds of the conspirators' fraudulent activity, maintained a business address of 244 Fifth Avenue in New York, New York. Among other accounts, Shyne and Singh maintained an auto lease account at JPMorgan Chase for a high-end vehicle used by Shyne and Singh and leased by "Douglas Five Star Coffee" (the "Douglas Auto Lease Account"). New York Café

JUDGE KRAM

Lounge, which also was used to launder the proceeds of the conspirators' fraudulent activity, was run as a nightclub in Philadelphia, Pennsylvania.

3. At all times relevant to this Indictment, LUVENIA BARTEE, the defendant, was the principal of UR Recovery, which, upon information and belief, was a credit restoring business operating in Richmond, Virginia. On or about June 22, 2004, LUVENIA BARTEE opened a business bank account at Bank of America ("BOA") under the account name "Luvenia S. Bartee d/b/a UR Recovery," listing herself as the sole proprietor of UR Recovery and maintaining sole signatory authority over the account (the "BARTEE BOA Account"). On or about November 22, 2004, AYANNA THOMAS, the defendant, was added as a second authorized signatory to the BARTEE BOA Account. Prior to on or about November 12, 2004, the balance in the BARTEE BOA Account was minimal and during the time period charged in the Indictment, no significant funds were deposited into the BARTEE BOA Account other than the counterfeit checks listed herein.

4. At times relevant to this Indictment, upon information and belief, AYANNA THOMAS was an employee of LUVENIA BARTEE.

5. At times relevant to this Indictment, upon information and belief, AYANNA THOMAS and RAYMOND PASTURES, the defendant, resided together as husband and wife in Richmond, Virginia. PASTURES operated a business in Richmond, Virginia called

Moonlight Productions. On or about March 5, 2004, RAYMOND PASTURES opened a business bank account at Wachovia Bank under the account name "Moonlight Productions," over which he maintained sole signatory authority (the "Moonlight Wachovia Account"). Prior to on or about November 23, 2004, the balance in the Moonlight Wachovia Account was minimal and during the time period charged in the Indictment, no significant funds were deposited into the Moonlight Wachovia Account other than the payments listed herein.

6. At times relevant to this Indictment, upon information and belief, AYANNA THOMAS and EBONY WORTHY, the defendant, were neighbors in Brooklyn, New York.

7. At times relevant to this Indictment, upon information and belief, EBONY WORTHY was romantically involved with a friend and co-conspirator of Douglas Shyne and was an acquaintance of Douglas Shyne. On or about November 19, 2004, in New York, New York, EBONY WORTHY opened a bank account at Citibank with a deposit of approximately \$5, over which she maintained sole signatory authority (the "WORTHY Citibank Account").

8. At times relevant to this Indictment, upon information and belief, FRANCISCO RODRIGUEZ, the defendant, was a friend and employee of Douglas Shyne and Natasha Singh, and FRANCISCO RODRIGUEZ and TRACY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendant, resided together as husband and wife in Philadelphia, Pennsylvania. At all times relevant to this

Indictment, TRACEY LIVINGSTON maintained an account at PNC Bank, over which she had sole signatory authority (the "LIVINGSTON PNC Account"). On or about December 8, 2004, FRANCISCO RODRIGUEZ opened a bank account at Wachovia Bank with a deposit of approximately \$50, over which he maintained sole signatory authority (the "RODRIGUEZ Wachovia Account").

**The Fraudulent Checks Scheme**

9. At all times relevant to this Indictment, Douglas Shyne and Natasha Singh were in the business of procuring stolen, altered, and/or counterfeit checks. Shyne and Singh also arranged for the fraudulently obtained checks to be cashed by, among other means, arranging for their deposit into the bank accounts of their friends, relatives, and associates, who would then, in turn, funnel proceeds of such checks back to Shyne and Singh, minus a commission.

10. From at least in or about December 2002 through in or about August 2005, Douglas Shyne, Natasha Singh, and their co-conspirators stole, altered and/or counterfeited at least approximately thirty checks, in the total aggregate amount of well over approximately six million dollars.

11. As set forth below, the defendants herein were amongst the conspirators through whom Shyne, Singh and their co-conspirators deposited, cashed, and laundered unlawfully obtained checks.



The \$87,203.52 Counterfeit Check

12. On or about November 12, 2004, LUVENIA BARTEE deposited or caused to be deposited into the BARTEE BOA Account a counterfeit check in the amount of approximately \$87,203.52, drawn on the Commerce Bank account of a New Jersey-based company called "ULA Management Corp." (the "\$87,203.52 Counterfeit Check"). In addition to withdrawing cash, paying personal bills and transferring at least approximately \$5,000 to her checking account from the BARTEE BOA Account, LUVENIA BARTEE transferred proceeds of the \$87,203.52 Counterfeit Check from the BARTEE BOA Account to her co-conspirators.

13. On or about November 19, 2004, LUVENIA BARTEE caused an electronic bill payment to be made from the BARTEE BOA Account to Moonlight Productions, in the amount of approximately \$5,000. On or about the same date, BARTEE also caused several cashier's checks to be issued, including a check in the amount of approximately \$5,177, made out to Moonlight Productions, which RAYMOND PASTURES subsequently deposited or caused to be deposited into the Moonlight Wachovia Account.

14. On or about November 19, 2004, LUVENIA BARTEE issued or caused to be issued a check drawn on the BARTEE BOA Account, in the amount of approximately \$53,600, and made out to "Tracey Rodriguez," which TRACEY LIVINGSTON subsequently deposited or caused to be deposited into the LIVINGSTON PNC Account. In an approximately three week period following her deposit of the

approximately \$53,600 check into the LIVINGSTON PNC Account, TRACEY LIVINGSTON largely depleted those funds. Among other things, LIVINGSTON made a number of withdrawals and wrote a number of checks drawn on the LIVINGSTON PNC Account, including a check to Bank One in the amount of approximately \$11,000 to pay a credit card bill in LIVINGSTON's name (from which, among other things, she issued a check in the amount of approximately \$3,500 to FRANCISCO RODRIGUEZ); a check to FRANCISCO RODRIGUEZ in the amount of approximately \$9,500; three cash withdrawals in the amount of approximately \$9,500 each, and one cash withdrawal in the amount of approximately \$3,900.

15. On or about November 23, 2004, LUVENIA BARTEE issued or caused to be issued a check drawn on the BARTEE BOA Account, in the amount of approximately \$11,000, and made out to EBONY WORTHY, which EBONY WORTHY subsequently deposited or caused to be deposited into the WORTHY Citibank Account. On or about December 2, 2004, in New York, New York, EBONY WORTHY withdrew approximately \$5,000 in cash from the WORTHY Citibank Account.

16. On or about November 26, 2004, AYANNA THOMAS issued or caused to be issued a check drawn on the BARTEE BOA Account, in the amount of approximately \$2,000, and made out to Moonlight Productions, which subsequently was deposited into the Moonlight Wachovia Account.

The \$160,000 Counterfeit Check

17. On or about November 29, 2004, LUVENIA BARTEE and AYANNA THOMAS deposited or caused to be deposited into the BARTEE BOA Account a counterfeit check in the amount of approximately \$160,000, drawn on the Commerce Bank account of a Pennsylvania-based company called "Massimino Building Corp., LLC." (the "\$160,000 Counterfeit Check"). In addition to withdrawing cash, paying personal bills, and transferring at least approximately \$10,000 to BARTEE's checking account from the BARTEE BOA Account, LUVENIA BARTEE and AYANNA THOMAS transferred proceeds of the \$160,000 Counterfeit Check from the BARTEE BOA Account to their co-conspirators.

18. On or about December 1, 2004, a number of electronic bill payments were made from the BARTEE BOA Account, including a bill payment for Moonlight Productions in the amount of approximately \$7,000; a bill payment for RAYMOND PASTURES in the amount of approximately \$5,000; and a bill payment for AYANNA THOMAS in the amount of approximately \$4,000.

19. On or about December 3, 2004, AYANNA THOMAS issued or caused to be issued a check drawn on the BARTEE BOA Account, in the amount of approximately \$5,000, and made out to Moonlight Productions, which subsequently was deposited into the Moonlight Wachovia Account.

20. On or about December 3, 2004, a payment in the amount of approximately \$50,000, drawn on the BARTEE BOA Account, was



wired to the Moonlight Wachovia Account. In turn, on or about December 5, 2004, RAYMOND PASTURES issued or caused to be issued a check in the amount of approximately \$21,500 dollars to EBONY WORTHY, which EBONY WORTHY subsequently deposited or caused to be deposited into the WORTHY Citibank Account.

21. On or about December 3 and December 6, 2004, an electronic check, drawn on the BARTEE BOA Account, was issued to JPMorgan Chase in the name of Douglas New York Five Star Coffee, each in the amount of approximately \$3,381.56, which was directly deposited into the Douglas Auto Lease Account.

22. On or about December 6, 2004, a payment in the amount of approximately \$30,000 payment, drawn on the BARTEE BOA Account, was wired to Douglas Shyne's account at Wells Fargo Bank.

23. On or about December 6, 2004, a payment in the amount of approximately \$2,854 payment, drawn on the BARTEE BOA Account, was wired to Natasha Singh's account at Wells Fargo Bank.

The Two Counterfeit Checks Totaling \$160,000

24. On or about December 8, 2004, RAYMOND PASTURES deposited or caused to be deposited into the Moonlight Wachovia Account two counterfeit checks in the total aggregate amount of approximately \$160,000. Both checks, made out to "Moonlight Production," were drawn on a Commerce Bank account of a Philadelphia-based company called "Telamerica Cable Connect" (the "Two Counterfeit Checks for \$160,000"). However, the credit on

the Two Counterfeit Checks for \$160,000 was reversed shortly after they were deposited into the Moonlight Wachovia Account, and thus no significant proceeds were available to the conspirators.

The \$38,532 Counterfeit Check

25. On or about January 6, 2005, in New York, New York, EBONY WORTHY deposited or caused to be deposited into the WORTHY Citibank Account a counterfeit check in the amount of approximately \$38,532, drawn on the Commerce Bank account of an individual (the "\$38,532 Counterfeit Check"). However, the \$38,532 Counterfeit Check failed to clear, and thus no proceeds were available to the conspirators.

The \$85,210 Counterfeit Check

26. On or about February 3, 2005, FRANCISCO RODRIGUEZ deposited or caused to be deposited into the RODRIGUEZ Wachovia Account a counterfeit check in the amount of approximately \$85,210, drawn on a Wachovia Bank account of a Baltimore-based company called "Mid-Atlantic Arts Foundation" (the "\$85,210 Counterfeit Check"). In addition to withdrawing cash in the amount of at least approximately \$5,500, FRANCISCO RODRIGUEZ transferred proceeds of the \$85,210 Counterfeit Check from the RODRIGUEZ Wachovia Account to his co-conspirators.

27. On or about February 4, 2005, FRANCISCO RODRIGUEZ issued or caused to be issued a check to Natasha Singh's brother, in the amount of approximately \$4,000, and two checks to Natasha

Singh, in the total aggregate amount of approximately \$8,800, which Singh deposited into her Commerce Bank account.

28. Beginning on or about February 3, 2005, the conspirators withdrew funds and made purchases drawn on the RODRIGUEZ Wachovia Account, including a purchase at New York Café Lounge in the amount of approximately \$1,829.70, until on or about February 9, 2005, at which time the \$85,210 Counterfeit Check was returned as counterfeit, and no more proceeds were available to the conspirators.

#### Statutory Allegations

29. From at least in or about November 2004 through in or about February 2005, in the Southern District of New York and elsewhere, LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, together with others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1344.

30. It was a part and an object of the conspiracy that LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, together with others known and unknown, unlawfully, willfully, and

knowingly, would and did execute, and attempt to execute, a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, said financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

**OVERT ACTS**

31. In furtherance of the conspiracy and to effect the illegal object thereof, LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, together with others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about November 12, 2004, LUVENIA BARTEE deposited or caused to be deposited into the BARTEE BOA Account a counterfeit check in the amount of approximately \$87,203.52.

b. On or about November 19, 2004, TRACEY LIVINGSTON deposited or caused to be deposited into the LIVINGSTON PNC Account a check, in the amount of approximately \$53,600, drawn on the BARTEE BOA Account.

c. On or about November 24, 2004, EBONY WORTHY deposited or caused to be deposited into the WORTHY Citibank



Account a check, in the amount of approximately \$11,000, drawn on the BARTEE BOA Account.

d. On or about November 26, 2004, AYANNA THOMAS issued or caused to be issued a check drawn on the BARTEE BOA Account, in the amount of approximately \$2,000, and made out to Moonlight Productions.

e. On or about November 29, 2004, LUVENIA BARTEE and AYANNA THOMAS deposited or caused to be deposited into the BARTEE BOA Account a counterfeit check in the amount of approximately \$160,000.

f. On or about December 1, 2004, FRANCISCO RODRIGUEZ deposited or caused to be deposited into the RODRIGUEZ Wachovia Account a check, in the amount of approximately \$9,500, drawn on the LIVINGSTON PNC Account.

g. On or about December 2, 2004, in New York, New York, EBONY WORTHY withdrew approximately \$5,000 in cash from the WORTHY Citibank Account.

h. On or about December 1, 2004, a number of electronic bill payments were made from the BARTEE BOA Account, including a bill payment for Moonlight Productions in the amount of approximately \$7,000; a bill payment for RAYMOND PASTURES in the amount of approximately \$5,000; and a bill payment for AYANNA THOMAS in the amount of approximately \$4,000.

i. On or about December 3, 2004, a payment in the amount of approximately \$50,000, drawn on the BARTEE BOA Account,

was wired to the Moonlight Wachovia Account.

j. On or about December 5, 2004, RAYMOND PASTURES issued or caused to be issued a check in the amount of approximately \$21,500 dollars to EBONY WORTHY.

(Title 18, United States Code, Sections 1349.)

COUNT TWO

**(Bank Fraud)**

The Grand Jury further charges:

32. The allegations set forth in paragraphs 1 through 28 and 31 are repeated and realleged as if set forth fully herein.

33. From at least in or about November 2004 through in or about February 2005, in the Southern District of New York and elsewhere, LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, unlawfully, willfully, and knowingly, did execute and attempt to execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, said financial institutions, by means of false and fraudulent pretenses, representations, and promises.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT THREE

**(Money Laundering Conspiracy)**

The Grand Jury further charges:

34. The allegations set forth in paragraphs 1 through 28 and 31 are repeated and realleged as if set forth fully herein.

35. From at least in or about November 2004 through in or about February 2005, in the Southern District of New York and elsewhere, LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, together with others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957(a).

36. It was a part and an object of the conspiracy that LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, together with others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, unlawfully, willfully, and knowingly would and did conduct and attempt to conduct such financial transactions, which in fact involved proceeds of specified unlawful activity, to wit, bank fraud,

knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

37. It was further a part and an object of the conspiracy that LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, together with others known and unknown, in an offense involving and affecting interstate and foreign commerce, unlawfully, willfully, and knowingly would and did engage and attempt to engage in monetary transactions in criminally derived property that was of a value greater than \$10,000 and was derived from specified unlawful activity, to wit, bank fraud, in violation of Title 18, United States Code, Section 1957(a).

#### **OVERT ACTS**

38. In furtherance of the conspiracy and to effect the illegal objects thereof, LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about November 12, 2004, LUVENIA BARTEE deposited or caused to be deposited into the BARTEE BOA Account a



counterfeit check in the amount of approximately \$87,203.52.

b. On or about November 19, 2004, TRACEY LIVINGSTON deposited or caused to be deposited into the LIVINGSTON PNC Account a check, in the amount of approximately \$53,600, drawn on the BARTEE BOA Account.

c. On or about November 24, 2004, EBONY WORTHY deposited or caused to be deposited into the WORTHY Citibank Account a check, in the amount of approximately \$11,000, drawn on the BARTEE BOA Account.

d. On or about November 26, 2004, AYANNA THOMAS issued or caused to be issued a check drawn on the BARTEE BOA Account, in the amount of approximately \$2,000, and made out to Moonlight Productions.

e. On or about November 29, 2004, LUVENIA BARTEE and AYANNA THOMAS deposited or caused to be deposited into the BARTEE BOA Account a counterfeit check in the amount of approximately \$160,000.

f. On or about December 1, 2004, FRANCISCO RODRIGUEZ deposited or caused to be deposited into the RODRIGUEZ Wachovia Account a check, in the amount of approximately \$9,500, drawn on the LIVINGSTON PNC Account.

g. On or about December 2, 2004, in New York, New York, EBONY WORTHY withdrew approximately \$5,000 in cash from the WORTHY Citibank Account.

h. On or about December 1, 2004, a number of

electronic bill payments were made from the BARTEE BOA Account, including a bill payment for Moonlight Productions in the amount of approximately \$7,000; a bill payment for RAYMOND PASTURES in the amount of approximately \$5,000; and a bill payment for AYANNA THOMAS in the amount of approximately \$4,000.

i. On or about December 3, 2004, a payment in the amount of approximately \$50,000, drawn on the BARTEE BOA Account, was wired to the Moonlight Wachovia Account.

j. On or about December 5, 2004, RAYMOND PASTURES issued or caused to be issued a check in the amount of approximately \$21,500 dollars to EBONY WORTHY.

(Title 18, United States Code, Section 1956(h).)

**FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO**

39. As a result of committing one or more of the foregoing offenses alleged in Counts One and Two of this Indictment, LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, shall forfeit to the United States pursuant to 18 U.S.C. § 982, any property constituting or derived from proceeds obtained directly or indirectly as a result of the fraud offenses, including but not limited to at least approximately \$530,000 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offense.

**Substitute Assets Provision**

40. If the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982 and 1344.)

**FORFEITURE ALLEGATION AS TO COUNT THREE**

41. As the result of committing the money laundering offense in violation of 18 U.S.C. § 1956, alleged in Count Three of this Indictment, LUVENIA BARTEE, a/k/a "Luvenia Murray," RAYMOND PASTURES, AYANNA THOMAS, EBONY WORTHY, FRANCISCO RODRIGUEZ, and TRACEY LIVINGSTON, a/k/a "Tracey Livingston Rodriguez," the defendants, shall forfeit to the United States pursuant to 18 U.S.C. § 982, all property, real and personal, involved in the money laundering offense(s) and all property

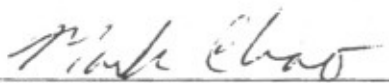
traceable to such property, including but not limited to at least approximately \$530,000 in United States currency, in that such sum in aggregate is property which was involved in the money laundering offense(s) or is traceable to such property.

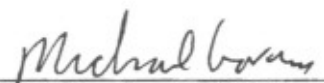
**Substitute Assets Provision**

42. If the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982 and 1956.)

  
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FOREPERSON

  
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MICHAEL J. GARCIA  
United States Attorney